

## AIR QUALITY PERMIT

Issued To:	Jim Phillips Contracting, Inc.	Permit #3342-00
	P.O. Box 16066	Application Complete: 6/10/04
	Missoula, MT 59808-6066	Preliminary Determination Issued: 7/02/04
		Department Decision Issued: 7/20/04
		Permit Final: 8/05/04
		AFS #777-3342

An air quality permit, with conditions, is hereby granted to Jim Phillips Contracting, Inc. (Phillips), pursuant to Sections 75-2-204 and 211, Montana Code Annotated (MCA), as amended, and the Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

### Section I: Permitted Facilities

#### A. Permitted Equipment

Phillips operates a portable crushing/screening facility at various locations throughout Montana. A complete list of the permitted equipment is contained in Section I.A of the permit analysis.

#### B. Plant Location

Phillips operates a portable crushing/screening facility that will initially located at the SE ¼ of Section 20, Township 9 North, Range 17 West, in Granite County, Montana. However, Permit #3342-00 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum to this air quality permit will be required for locations in or within 10 km of certain (PM<sub>10</sub>) nonattainment areas.

### Section II: Limitations and Conditions

#### A. Operational Limitations and Conditions

1. Phillips shall not cause or authorize to be discharged into the atmosphere from any Standards of Performance for New Stationary Sources (NSPS) affected crusher, any visible emissions that exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR Part 60, Subpart OOO).
2. Phillips shall not cause or authorize to be discharged into the atmosphere from any other NSPS affected equipment, such as screens or conveyor transfers, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart OOO).
3. Phillips shall not cause or authorize to be discharged into the atmosphere, from any non-NSPS affected equipment, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.308 and ARM 17.8.752).

4. Water and water spray bars shall be available on site at all times and operated, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.752).
5. Phillips shall not cause or authorize to be discharged into the atmosphere from any street, road, or parking lot any visible fugitive emissions that exhibit an opacity of 20% or greater (ARM 17.8.308 and ARM 17.8.752).
6. Phillips shall treat all unpaved portions of the haul roads, access roads, parking lots, or general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation in Section II.A.5 (ARM 17.8.749).
7. Total combined crusher production from the facility shall be limited to 4,555,200 tons during any rolling 12-month time period (ARM 17.8.749).
8. Phillips shall not operate more than two crushers at any given time and the combined maximum rated design capacity of the crushers shall not exceed 800 tons per hour (TPH) (ARM 17.8.749).
9. Total combined screen production from the facility shall be limited to 4,555,200 tons during any rolling 12-month time period (ARM 17.8.749).
10. Phillips shall not operate more than two screens at any given time and the combined maximum rated design capacity of the screens shall not exceed 800 TPH (ARM 17.8.749).
11. Phillips shall not operate more than one diesel engine/generator at any given time and the maximum rated design capacity of the generator shall not exceed 300 Kilowatts (kW) (ARM 17.8.749).
12. Phillips shall install, operate, and maintain the fabric filter dust collector on every lime silo ventilation opening as specified in their Montana Air Quality Permit and all supporting documentation (ARM 17.8.752).
13. Phillips shall not cause or authorize to be discharged into the atmosphere emissions from the lime silo vent that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).
14. If the permitted equipment is used in conjunction with any other equipment owned or operated by Phillips, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons of emissions during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
15. Phillips shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO for the crushing/screening operation and associated equipment (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures, as specified in 40 CFR Part 60.675, must be performed on any NSPS affected equipment to demonstrate compliance with the emissions limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR Part 60, Subpart A and Subpart OOO).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

C. Emissions Monitoring

1. Phillips shall inspect the fabric filter dust collector and its vents, which are used for controlling emissions from the silo, every 6 months of operation to ensure that each collector is operating at the optimum efficiency. Records of inspections, repairs, and maintenance shall be kept for a minimum of 5 years (ARM 17.8.749).
2. Phillips shall maintain on-site records of inspections, repairs, and maintenance. All records compiled in accordance with this permit shall be maintained by Phillips as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request, and shall be available at the plant site for inspection by the Department (ARM 17.8.749).

D. Operational Reporting Requirements

1. If this portable crushing/screening plant is moved to another location, an Intent to Transfer Form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.765).
2. Phillips shall maintain on-site records showing daily hours of operation, daily production rates, and daily temperature and pressure drop readings for the last 12-months. All records compiled in accordance with this permit shall be maintained by Phillips as a permanent business record for at least 5 years following the date of the measurement, must be submitted to the Department upon request, and must be available at the plant site for inspection by the Department (ARM 17.8.749).
3. Phillips shall supply the Department with annual production information for all emission points, as required, by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the most recent emission inventory report and sources identified in Section I.A of the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in units as required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

4. Phillips shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted to the Department, in writing, 10 days prior to start-up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d) (ARM 17.8.745).
5. Phillips shall document, by month, the total combined crushing production for the facility. By the 25th day of each month, Phillips shall total the combined crushing production during the previous 12 months to verify compliance with the limitation in Section II.A.7. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Phillips shall document, by month, the total combined screening production for the facility. By the 25th day of each month, Phillips shall total the combined screening production during the previous 12 months to verify compliance with the limitation in Section II.A.9. A written report of the compliance verification shall be submitted along with the annual emission inventory (ARM 17.8.749).

Section III: General Conditions

- A. Inspection - Phillips shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver - The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if Phillips fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Phillips of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401 *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the

Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing postpones the effective date of the Department decision until the conclusion of the hearing and issuance of a final decision by the Board. The Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section.

- F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.
- G. Permit Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by Phillips may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- H. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked.
- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. Phillips shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas having a Department approved permitting program.

PERMIT ANALYSIS  
Jim Phillips Contracting, Inc.  
Permit Number 3342-00

I. Introduction/Process Description

A. Permitted Equipment

Jim Phillips Contracting, Inc. (Phillips) owns and operates a portable crushing/screening facility consisting of a portable 2004 Trio Jaw Crusher (up to 400 TPH), a Telesmith Cone Crusher (up to 400 TPH), a 1988 Spomatic Dozer Feeder (up to 400 TPH), a 2004 Trio Vibrating Grizzly Feeder (up to 400 TPH), a 1985 EL-Jay 3-deck screen (up to 400 TPH), a diesel generator (up to 300 kW), and associated equipment. The proposed original location for the facility is the SE ¼ of Section 20, Township 9 North, Range 17 West, in Granite County, Montana. Permit #3342-00 will apply to the source while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum to this air quality permit will be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.

B. Process Description

Phillips proposes to use this crushing/screening plant and associated equipment to crush sand and gravel materials for use in various construction operations. For a typical operational setup, materials are loaded into the crushing/screening plant by a feeder, transferred by conveyor, and passed through the crushers. Materials are crushed by the crushers and sent to the screens. Materials are screened, separated, and sent to stockpile for sale and use in construction operations.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 - General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule is a list of applicable definitions used in this subchapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.

3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

Phillips shall comply with all requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

B. ARM 17.8, Subchapter 2 - Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM<sub>10</sub>

Phillips must comply with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 - Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, Phillips shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this rule.

4. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause or allow to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.
5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this rule.
6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.
7. ARM 17.8.340 Standards of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). The owner or operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, NSPS, shall comply with the standards and provisions of 40 CFR Part 60.

In order for a crushing/screening plant to be subject to NSPS requirements, two specific criteria must be met. First, the crushing/screening plant must meet the definition of an affected facility and, second, the equipment in question must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Phillips, the crushing/screening equipment is NSPS affected because of the size and date of manufacture of the equipment (40 CFR Part 60, Subpart A General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).

D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that Phillips submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. Phillips submitted the required permit application fee for the current permit action.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department. This operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.



- E. ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:
1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
  2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a facility to obtain an air quality permit or permit alteration to construct, alter, or use any asphalt plant, crusher, or screen that has the Potential to Emit (PTE) greater than 15 tons per year of any pollutant. Phillips has a PTE greater than 15 tons per year of total particulate matter (PM), PM<sub>10</sub>, and oxides of nitrogen (NO<sub>x</sub>); therefore, an air quality permit is required.
  3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit Program.
  4. ARM 17.8.745 Montana Air Quality Permits—Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.
  5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements. (1) This rule requires that a permit application be submitted prior to installation, modification, or use of a source. Phillips submitted the required permit application for the current permit action. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. Phillips submitted an affidavit of publication of public notice for the May 27, 2004, issue of the *Missoulian*, a newspaper of general circulation in the Town of Missoula in Missoula County, as proof of compliance with the public notice requirements.
  6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
  7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section IV of this permit analysis.
  8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
  9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving Phillips of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*

10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of Phillips, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.
14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modifications-- Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not a listed source and

does not have a PTE greater than 250 tons per year (excluding fugitive emissions) of any air pollutant.

G. ARM 17.8, Subchapter 12 - Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
  - a. PTE > 100 tons/year of any pollutant.
  - b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule.
  - c. PTE > 70 tons/year of PM<sub>10</sub> in a serious PM<sub>10</sub> nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3342-00 for the Phillips facility, the following conclusions were made:
  - a. The facility's PTE is less than 100 tons/year for any pollutant.
  - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
  - c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
  - d. This facility is not subject to any current NESHAP standards.
  - e. The facility is currently subject to NSPS standards (40 CFR 60, Subpart A, General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).
  - f. This source is not a Title IV affected source nor a solid waste combustion unit.
  - g. This source is not an EPA designated Title V source.

Based on these facts, the Department determined that this facility would be a minor source of emissions, as defined under the Title V Operating Permit Program. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, Phillips will be required to obtain a Title V Operating Permit.

### III. Emission Inventory

Source	Tons/Year					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
2004 Trio jaw crusher (up to 400 TPH)	2.85	1.37				
1963 Telsmith cone crusher (up to 400 TPH)	2.85	1.37				
2004 Trio Vibrating Grizzly feeder screen (up to 400 TPH)	17.94	8.54				
1985 EL-Jay (6'x16') 3-deck screen (up to 400 TPH)	17.94	8.54				
Material Transfer	21.47	10.36				
Pile Forming	19.13	9.11				
Bulk Loading	4.78	2.28				
Diesel Generator (up to 300 KW)	3.88	3.88	54.62	4.35	11.77	3.61
Lime Silo	3.47	2.22				
Haul Roads	2.74	1.23				
Total	97.05	48.90	54.62	4.35	11.77	3.61

- A complete emission inventory for Permit #3342-00 is on file with the Department. Production limitations were placed upon each crusher and each screen at a throughput rate of 260 tons per hour through each piece of equipment and operating at 8,760 hours per year to comply with the Department Modeling guidance of 50 TPH of PM<sub>10</sub> emissions.

#### IV. BACT Analysis

A BACT determination is required for any new or altered source. Phillips shall install on the new or altered source the maximum air pollution control capability that is technologically practicable and economically feasible, except that BACT shall be used.

##### A. Area Source Fugitive Emissions, Crushing/Screening Emissions, and Lime Silo Emissions

Two types of emissions controls are readily available and used for dust suppression of fugitive emissions at the site, fugitive emissions for the surrounding area of operations, and for equipment emissions from the crushing/screening operation. These two control methods are water and chemical dust suppressant. Chemical dust suppressant could be used for dust suppression on the area surrounding the crushing/screening operation and for emissions from the crushing/screening operation. However, because water is more readily available, is more cost effective, is equally effective as chemical dust suppressant, and is more environmentally friendly, water has been identified as the most appropriate method of pollution control of particulate emissions for the general plant area. In addition, water suppression has been required of recently permitted similar sources. However, Phillips may use chemical dust suppressant to assist in controlling particulate emissions from the surrounding plant area.

Phillips shall not cause or authorize to be discharged into the atmosphere from any NSPS affected crusher, any visible emissions that exhibit an opacity of 15% or greater averaged over 6 consecutive minutes. Also, Phillips shall not cause or authorize to be discharged into the atmosphere from any affected screen, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes. Further, Phillips shall not cause or authorize to be discharged into the atmosphere from any non-NSPS affected equipment, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. Phillips shall not cause or authorize to be discharged into the atmosphere emissions from the lime silo vent that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. Phillips must also take reasonable precautions to limit the fugitive emissions of airborne particulate matter from haul roads, access roads,

parking areas, and the general area of operation. Phillips is required to have water spray bars and water available on site (at all times) and to apply the water, as necessary, to maintain compliance with the opacity and reasonable precaution limitations. Phillips may also use chemical dust suppression, in order to maintain compliance with emission limitations in Section I.A of Permit #3342-00. The Department determined that using water spray bars, water, and chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for the crushing/screening operation.

B. Diesel Generators

Because of the limited amount of emissions produced by the diesel generator/engine and the lack of readily available/cost effective add-on controls, additional add-on controls would be cost prohibitive. Therefore, the Department determined that proper operation and maintenance with no additional controls would constitute BACT for the diesel generator/engine.

The control options required for the proposed crushing/screening facility and for the diesel generator/engine that would be used to power the facility are similar to other recently permitted similar sources.

V. Existing Air Quality

Permit #3342-00 is issued for the operation of a portable crushing/screening facility to be originally located in the SE ¼ of Section 20, Township 9 North, Range 17 West, in Granite County, Montana. This facility would be allowed to operate at this proposed site and any other areas designated as attainment or unclassified for all National Ambient Air Quality Standards (NAAQS); excluding those counties that have a Department approved permitting program, those areas considered Tribal Lands, or those areas in or within 10 km of certain PM<sub>10</sub> nonattainment areas.

VI. Air Quality Impacts

Based on the information provided and the conditions established in Permit #3342-00, the amount of controlled emissions generated by this facility will not exceed any set ambient air quality standards. Also, this facility is a portable source that would operate on an intermittent and temporary basis, so any effects to air quality will be minor and short-lived. The conditions in Permit #3342-00 will be protective of air quality while Phillips is operating at locations outside of certain PM<sub>10</sub> nonattainment areas.

VII. Ambient Air Quality Impacts

This permit is for a portable crushing/screening plant to be located at various locations around Montana. This permit contains operational conditions and limitations that would protect air quality for this site and the surrounding area. Also, this facility is a portable source that would operate on an intermittent and temporary basis, so any effects to air quality will be minor and short-lived. Further, the amount of controlled particulate emissions generated by this project should not cause concentrations of PM<sub>10</sub> in the ambient air that exceed the set standard. In addition, this source is portable and any air quality impacts will be minimal.

VIII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 105, MCA, the Department conducted a private property taking and damaging assessment and determined there are no taking or damaging implications.

IX. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Permitting and Compliance Division  
Air Resources Management Bureau  
1520 East Sixth Avenue  
P.O. Box 200901  
Helena, Montana 59620-0901  
(406) 444-3490

**FINAL ENVIRONMENTAL ASSESSMENT (EA)**

*Issued For:* Jim Phillips Contracting, Inc.  
P.O. Box 16066  
Missoula, MT 59808-6066

*Permit Number:* #3342-00

*Preliminary Determination Issued:* July 2, 2004

*Department Decision Issued:* July 20, 2004

*Permit Final:* August 5, 2004

1. *Legal Description of Site:* Phillips submitted an application to operate a portable crushing/screening plant at the SE ¼ of Section 20, Township 9 North, Range 17 West, in Granite County, Montana. Permit #3342-00 would apply while operating at any location in Montana, except within those areas having a Department approved permitting program, those areas considered tribal lands, or those areas in or within 10 km of certain PM<sub>10</sub> nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.* An addendum to this air quality permit would be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.
2. *Description of Project:* The permit applicant proposes the construction and operation of a portable crushing/screening facility consisting of a portable 2004 Trio Jaw Crusher (up to 400 TPH), a Telesmith Cone Crusher (up to 400 TPH), a 1988 Spomatic Dozer Feeder (up to 400 TPH), a 2004 Trio Vibrating Grizzly Feeder (up to 400 TPH), a 1985 EL-Jay 3-deck screen (up to 400 TPH), a diesel generator (up to 300 kW), and associated equipment.
3. *Objectives of Project:* The object of the project would be to produce business and revenue for the company through the sale and use of aggregate. The issuance of Permit #3342-00 would allow Phillips to operate the permitted equipment at various locations throughout Montana, including the proposed initial site location.
4. *Additional Project Site Information:* In many cases, this crushing/screening operation may move to a general site location or open cut pit, which has been previously permitted through the Industrial and Energy Minerals Bureau (IEMB). If this were the case, additional information for the site would be found in the Mined Land Reclamation Permit for that specific site.
5. *Alternatives Considered:* In addition to the proposed action, the Department considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because Phillips demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

6. *A Listing of Mitigation, Stipulations, and Other Controls:* A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in Permit #3342-00.
7. *Regulatory Effects on Private Property Rights:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined the permit conditions would be reasonably necessary to ensure compliance with applicable requirements and to demonstrate compliance with those requirements and would not unduly restrict private property rights.
8. *The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The “no action alternative” was discussed previously.*

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Terrestrial and Aquatic Life and Habitats			X			yes
B.	Water Quality, Quantity, and Distribution			X			yes
C.	Geology and Soil Quality, Stability, and Moisture			X			yes
D.	Vegetation Cover, Quantity, and Quality			X			yes
E.	Aesthetics			X			yes
F.	Air Quality			X			yes
G.	Unique Endangered, Fragile, or Limited Environmental Resource			X			yes
H.	Demands on Environmental Resource of Water, Air, and Energy			X			yes
I.	Historical and Archaeological Sites			X			yes
J.	Cumulative and Secondary Impacts			X			yes

**Summary of Comments on Potential Physical and Biological Effects:** The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Impacts on aquatic life could result from the equipment instillation, pollution control, and storm water runoff, but would be minor due to the mitigation measurements required by the land and fisheries managers (See Section 8.G of this EA). Terrestrials would use the same area as the crushing/screening operations, but impacts on terrestrial life would be minor because the amount of pollutants generated would be minor and pollutants would be dispersed (See Section 8.F). Therefore, minor and temporary effects to terrestrial and aquatic life and habitat would be expected from the proposed crushing/screening operation.

B. Water Quality, Quantity, and Distribution

Water would be required for dust suppression on the surrounding roadways and areas of operation and for pollution control for equipment operations. Water from Butte Cabin Creek would be used by Phillips for pollution control. United States Forest Service (USFS) has deemed it technically infeasible to require Phillips to supply a storage tank with water from elsewhere because of lack of space to put the water storage tank. However, the use of water to control



pollutant deposition would cause minor and temporary impacts to water resources in these areas, because of the quantity of water used and the amount of time in which the water resources would be used at this site. The facility would be operating in the area on a short-term basis (for approximately 1 month, until the beginning of September, at which time the Bull Trout would begin to use the creek for spawning). The USFS and Montana Department of Fish, Wildlife and Parks (FWP) have made the determination that (See Section 8.G of this EA) the proposed project and associated work affecting the stream, including the use of water for pollution control, would not have a significant impact on the aquatic life in Butte Cabin Creek. Water would be removed from the stream using a 3/32" screen, to keep fish fry and aquatic life from being removed from the stream. The permitted equipment supplied by this water would be located as close as 120 feet away from the stream, but Phillips would be required to (under contract with the USFS) slope the pit away from the basin prior to pit development and use sediment control in protecting water quality along the Butte Cabin Creek Road, as necessary. Further, water distribution from pollutant deposition upon this water resource would be widely dispersed and the project is temporary (approximately 1 month). Therefore, water would be widely distributed upon the surrounding area and would have minimal runoff impacts upon any given area because USFS would require erosion control measure to be implemented by Phillips, prior to pit development. Therefore, associated impacts would be minor.

C. Geology and Soil Quality, Stability, and Moisture

In regard to air pollutant emissions from equipment operations, only minor amounts of air pollutants would be generated. Because crushing would be into the bedrock hillside, emissions from crushing would be less than typical operations, which would have a higher content of fine particles. Further, the facility is also small and temporary in nature, so only small amounts of water would be required to be used for pollution control and would be used, only as necessary, in controlling particulate emissions. Therefore, any effects upon geology and soil quality, stability, and moisture from air pollutant emissions from equipment operations would be minor and short-lived.

The crushing/screening operations would have impacts on geology and soil quality, stability, and moisture because (according to the USFS) the pit would be developed into bedrock and the entire site would not be reclaimed to its initial condition. However, the pit site would be relatively small, so associated effects from crushing/screening activities and associated impacts upon the site would be minor.

D. Vegetation Cover, Quantity, and Quality

Minor impacts would occur on vegetative cover, quality, and quantity because trees would be removed in order to make room for the crushing/screening facility. The facility would be in an area where vegetation has been previously disturbed. However, air pollutant emissions would be greatly dispersed and corresponding deposition on vegetation from the proposed project would be short-lived and, therefore, minimal. Re-vegetation of the site and surrounding area of operation would be implemented by the USFS, where applicable, to establish good vegetative cover in these areas once the project is completed. Further, mitigation measures of controlling water runoff and sedimentation would be used to minimize erosion at the site, including water used for pollution control (See Section 8.B of this EA).

E. Aesthetics

The crushing/screening operation would be visible and would create additional noise while operating at the initially proposed site. However, Permit #3342-00 would include conditions to control emissions, including visible emissions, from the plant. The access road would be closed for general travel during the proposed project. Since the crushing/screening operation would be

portable and would operate on an intermittent and temporary basis, any visual aesthetic impacts would be minor and short-lived.

F. Air Quality

Air quality impacts from the proposed project would be minor because the facility would operate on an intermittent and temporary basis and would locate at a previously disturbed (logged) site. Permit #3342-00 would include conditions limiting the facility's opacity, the facility's crushing/screening production, and the hours of operation on the diesel generator. Permit #3342-00 would also require water and water spray bars be available on site and used to control emissions. Permit #3342-00 would also limit total emissions from the crushing/screening facility and any additional Phillips equipment operated at the site to 250 tons/year or less, excluding fugitive emissions.

Further, the Department determined that the crushing/screening facility would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE was limited below the major source threshold level of 100 tons per year for any regulated pollutant. Pollutant deposition from the facility would be minimal because the pollutants emitted would be widely dispersed (from factors such as wind speed and wind direction) and would have minimal deposition on the surrounding area (due to site topography of the area and minimal vegetative cover that the area would have from tree removal). Therefore, air quality impacts from operating the crushing/screening equipment in this area would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department contacted the Montana Natural Heritage Program (MNHP) to identify any species of concern associated with the initial proposed site location (Section SE ¼ of Section 20, Township 9 North, Range 17 West, in Granite County, Montana). Search results concluded there are 2 known environmental resources of special concern within the area. The search area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. The species of special concern are the Bull Trout and West Slope Cutthroat Trout.

Bull Trout and West Slope Cutthroat Trout would be affected by the proposed project. This project would be under the direction of the USFS, who would be responsible for oversight of the project and insurance that all appropriate permits are obtained before operations begin. Specific effects of operating the crushing/screening operation in this area upon the Bull Trout and West Slope Cutthroat Trout would be minor for the following reasons: The facility is relatively small in size and would have only temporary operations in the area (approximately 1 month). Only minimal amounts of water would be needed for pollution control and would be less than typical crushing/screening operations because of the small amount of emissions that would be generated as a result of the type (talus and bedrock) of materials and amount (estimated to be 44,500 cubic yards) of materials that would be crushed. The pit development into existing bedrock would permanently alter the landscape and would affect water runoff, but sediment controls (such as the establishment of a sedimentation basin and slope the pit away from the basin prior to pit development, as well as additional post reclamation activities) would be implemented to ensure effects upon water resources would be minimal. Also, Phillips has proposed to obtain water from Butte Cabin Creek in order to provide water for pollution control. However, the USFS says it will allow Phillips to remove water from the stream, but would require Phillips to use a 3/32" screen to protect aquatic life. Emissions from the crushing/screening operation would deposit on the stream, but would be widely dispersed. Pollution controls would be required by this permit to ensure that emissions from the crushing/screening operation would be minimal. Further, only minor amounts of pollutants would be deposited upon the stream, since the operations would only be for about one month. Additionally, the project would be finished by September, before the Bull Trout would be using the stream to spawn.

Other associated impacts with this project would include pit development, in which USFS would require the establishment of a sedimentation basin and erosion control measure prior to pit development. Also, prior to the pit development, some trees would need to be removed. This would reduce the amount of shade provided to the stream and would also affect water runoff. However, the number of trees that would be removed would be minimized and selectively harvested to maintain some shade for the nearby stream. Upon pit completion, the roadway and culverts would be removed and the areas in and around pit site would re-vegetated. While the removal of the existing roadway and culverts would disturb the stream, USFS has obtained an existing 124 permit from FWP to do so. Further, the project to work in the streambed would be a one-time action and be limited in the amount of time in which the project would be performed.

#### H. Demands on Environmental Resources of Water, Air, and Energy

Due to the relatively small size of the facility, the crushing/screening operation would only require small quantities of water, air, and energy for proper operation. Only small quantities of water would be required for dust suppression of emissions being generated at the site. In addition, impacts to air resources would be minor because the source is a minor industrial source of emissions, with intermittent and temporary operations, and because air pollutants generated by the facility would be widely dispersed (See Section 8.F of this EA). Energy requirements would also be small, as the facility would be powered by one industrial diesel generator that would use minor amounts of fuel. Overall, any impacts to water, air, and energy resources would be minor.

#### I. Historical and Archaeological Sites

The Department previously contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and/or archaeological sites that may be present in the proposed area of construction/operation. Search results concluded that there are no previously recorded historical or archaeological resources of concern within the area proposed for initial operations. According to past correspondence from the Montana State Historic Preservation Office, there would be a low likelihood of adverse disturbance to any known archaeological or historic site given previous industrial disturbance to an area. Because this site has been disturbed in the past, no impacts upon historical or archaeological sites would be expected as a result of operating the proposed crushing/screening plant.

#### J. Cumulative and Secondary Impacts

The crushing/screening operation would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would be limited in the amount of PM, PM<sub>10</sub>, NO<sub>x</sub>, VOC, CO, and SO<sub>x</sub> emissions to be generated. Emissions and noise generated from the equipment would, at most, result in only minor impacts to the area of operations because of the proposed equipment location for the crushing/screening plant and because it would be seasonal and temporary in nature. The proposed operational site is in a wilderness area and is removed from any populated area. The initial proposed project would be short-term in nature, and have minor cumulative effects upon resource within the area. These resources include water, terrestrial and aquatic life, soils, and vegetation. However, while the short-term effects may decrease the presence or quality to these resources, effecting terrestrial and aquatic (life and habitats), water (quality, quantity, and distribution), soil (quality, stability, and moisture), vegetation (cover, quantity, and quality), the long-term increases in the overall presence or quality to these resources would occur. The project would be done in correlation to improving the fisheries in the area and the removal of the existing roadway. Additionally, this facility, in combination with other emissions from Phillips' equipment operations would not be permitted to exceed 250 tons per year of non-fugitive emissions. Overall, cumulative and

secondary impacts to the physical and biological aspects of the human environment would be minor.

9. *The following table summarizes the potential economic and social effects of the proposed project on the human environment. The “no action alternative” was discussed previously.*

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Social Structures and Mores				X		yes
B.	Cultural Uniqueness and Diversity				X		yes
C.	Local and State Tax Base and Tax Revenue			X			yes
D.	Agricultural or Industrial Production			X			yes
E.	Human Health			X			yes
F.	Access to and Quality of Recreational and Wilderness Activities			X			yes
G.	Quantity and Distribution of Employment				X		yes
H.	Distribution of Population				X		yes
I.	Demands for Government Services			X			yes
J.	Industrial and Commercial Activity			X			yes
K.	Locally Adopted Environmental Plans and Goals			X			yes
L.	Cumulative and Secondary Impacts			X			yes

**SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS:** The following comments have been prepared by the Department.

**A. Social Structures and Mores**

The crushing/screening operation would cause no disruption to the social structures and mores in the area because the source would be a minor industrial source of emissions, would be separated from the general population, and would only have temporary and intermittent operations. Further, the facility would be required to operate according to the conditions that would be placed in Permit #3342-00, which would limit the effects to social structures and mores.

**B. Cultural Uniqueness and Diversity**

The cultural uniqueness and diversity of this area would not be impacted by the proposed crushing/screening operation because the proposed site is separated from the general population, and the facility would be a portable source, with seasonal and intermittent operations. The predominant use of the surrounding area is for recreational activities, timber harvest, and animal grazing and would not change as a result of this crushing/screening operation. Therefore, the cultural uniqueness and diversity of the area would not be affected.

**C. Local and State Tax Base and Tax Revenue**

The crushing/screening operations would have little, if any, impact on the local and state tax base and tax revenue because the facility would be a minor industrial source of emissions and would have seasonal and intermittent operations. The facility would require the use of only a few employees. Thus, only minor impacts to the local and state tax base and revenue could be expected from the employees and facility production. Furthermore, the impacts to local tax base

and revenue would be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The crushing/screening operations would have only a minor impact on local industrial production since the facility would be a minor source of aggregate production and air emissions. Also, the facility would locate in an area adjacent to forested land and land that could be used for animal grazing and timber harvesting. Therefore, because minimal deposition of air pollutants would occur on the surrounding land (See Section 8.F of this EA), only minor and temporary effects on the surrounding vegetation (i.e. agricultural production) would occur. However, some trees would be removed from the site in order to create room to operate the equipment. Therefore, though the facility operations would be temporary in nature and would be permitted with operational conditions and limitations that would minimize impacts upon surrounding vegetation (See Section 8.D of this EA), the removal of trees would have a long-term affect on tree re-growth at the proposed operational site. This is because pit development would be into bedrock, where the reestablishment of trees would be difficult. This would also be true of the subsequent roadway removal. Therefore, affects upon agricultural production for timber harvest, would be minor, because the operations would be temporary an intermittent in nature and the associate pit development would be relatively small in size and a relatively small amount of trees would be removed.

E. Human Health

Permit #3342-00 would incorporate conditions to ensure that the crushing/screening facility would be operated in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in Section 8.F. of this EA, the air emissions from this facility would be minimized by the use of water spray and other process limits that would be required by Permit #3342-00. Also, the facility would be operating on a temporary basis and pollutants would be dispersed (See Section 8.F of this EA). Therefore, only minor impacts would be expected on human health from the proposed crushing/screening facility.

F. Access to and Quality of Recreational and Wilderness Activities

Noise from the facility would be minor because the facility would be small and would operate in an area removed from the general population. As a result, the amount of noise generated from the crushing/screening operation would be minimal. Also, the facility would operate on a seasonal and intermittent basis and would be a relatively minor industrial source of emissions. Changes would occur to the access of recreational and wilderness activities, as the federal land managers (the USFS) would close the road to conduct the project. While this would temporarily limit access to the proposed operational site, upon completion of the project, the road would subsequently be obliterated in order to create more wilderness (as outlined in the December 18, 2002, Rock Creek Fuels Hazard Reduction Project Plan). Therefore, changes in land usage would occur subsequent to the completion of this project, but the quality of the wilderness activities would subsequently be improved.

G. Quantity and Distribution of Employment

The portable crushing/screening operation would only require a few employees to operate and would have seasonal and intermittent operations. No individuals would be expected to permanently relocate to this area of operation as a result of operating the crushing/screening facility. Therefore, no effects upon the quantity and distribution of employment in this area would be expected.

#### H. Distribution of Population

The portable crushing/screening operation is a portable industrial facility that would only require a few existing employees to operate. No individuals would be expected to permanently relocate to this area of operation as a result of operating the crushing/screening facility. Therefore, the crushing/screening facility would not impact the normal population distribution in the initial area of operation or any future operating site.

#### I. Demands of Government Services

Minor increases would be seen in traffic on existing roadways in the area while the crushing/screening operation is in progress. In addition, government services would be required for acquiring the appropriate permits for the proposed project and to verify compliance with the permits that would be issued. Demands for government services would be minor.

#### J. Industrial and Commercial Activity

The crushing/screening operation would represent only a minor increase in the industrial activity in the proposed area of operation because the source would be a relatively small industrial source that would be operating in the area for a short period of time. No additional industrial or commercial activity would be expected as a result of the proposed operation.

#### K. Locally Adopted Environmental Plans and Goals

Phillips would be allowed, by Permit 3342-00, to operate in areas designated by EPA as attainment or unclassified for ambient air quality. Permit #3342-00 would contain production and opacity limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards, as a locally adopted environmental plan or goal for operating at this proposed site. Because the facility would be a portable source and would have intermittent and seasonal operations, any impacts from the facility would be minor and short-lived.

#### L. Cumulative and Secondary Impacts

The crushing/screening operations would only cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area of operation because the source would be a portable and temporary source that would be operating at a remote location. Further, no other industrial operations are expected to result from the permitting of this facility. Minor increases in traffic would have minor effects on local traffic in the immediate area. Because the source is relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the facility. Further, this facility may be operated in conjunction with other equipment owned and operated by Phillips, but any cumulative impacts upon the social and economic aspects of the human environment would be minor and short-lived. Thus, only minor and temporary cumulative effects would result to the local economy.

*Recommendation:* An EIS is not required.

*If an EIS is not required, explain why the EA is an appropriate level of analysis:* All potential effects resulting from construction and operation of the proposed facility are minor; therefore, an EIS is not required.

*Other groups or agencies contacted or which may have overlapping jurisdiction:* Department of Environmental Quality - Permitting and Compliance Division (Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; and the State Historic Preservation Office (Montana Historical Society), United States Forest Service (Lolo National Forest Office).

*Individuals or groups contributing to this EA:* Department of Environmental Quality (Air Resources Management Bureau and Industrial and Energy Minerals Bureau), Montana State Historic Preservation Office (Montana Historical Society), United States Forest Service (Lolo National Forest Office).

*EA prepared by:* Ron Lowney

*Date:* June 28, 2004